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**FEDERAL COMMUNICATIONS COMMISSION**  
**Washington, D. C. 20554**  
OCT 24 2002

**OFFICE OF  
MANAGING DIRECTOR**

John P. Stem, Esquire  
Loral Space & Communications, Ltd.  
1755 Jefferson Davis Highway, Suite 1007  
**Arlington, Virginia 22202-3501**

RE: Request for Partial Refund of Fee for Application to  
Extend Milestones  
Fee Control Number 0204098210545001

Dear Counsel:

This is in response to your Request for a Partial Refund of Fee for Application to Extend Milestones dated April 8, 2002 submitted with the request to extend the construction completion and launch milestones for Loral SpaceCom Corporation's (Loral) Telstar 8 satellite. **You** request a refund of \$6,000, which is the difference between the amount paid by Loral (\$6,670) and the amount that you believe would be appropriate (\$670), but for an inadvertent elimination of certain words in the Commission's fee schedule that describe a construction permit extension in what the statute defines as a combination fee category for extension of construction/launch authority.

Loral paid a fee of \$6,670,<sup>1</sup> but you **assert** that because the Commission's schedule of charges in effect at the time and published at 47 CFR §§ 1.1102-1109 do not include a **previously** referenced category for "extension of construction permit/launch authorizations," that no fee is due for its current application. In the alternative, and in further support of your request, you urge the Commission to apply its earlier rationale that even though the application fee category was modified, so that milestone extension inadvertently was not listed precisely, the corresponding fee from the earlier publication (now increased to \$670) should be applied. *See* Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stem, Esquire, Loral Space & Communications Ltd., September 21, 2000 (Fee Control #9911048210376001). For the following reasons, we grant your request for a partial refund.

The statutory fee schedule specifies as an element of the category for space station fees a fee for each extension of construction permit/launch authorization request. 47 U.S.C. § 158(g), Common Carrier Service, Item 16.g. In implementing 47 U.S.C. § 158, the Commission stated that "[t]he Schedule of Charges created statutory fees that could only be changed in accordance with the statute or through the passage of new legislation." Report and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget*

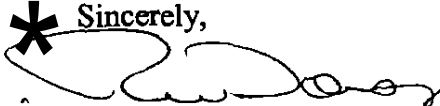
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<sup>1</sup> The fee corresponds to the application fee for a space station modification, see 47 CFR § 1.1107(9)(c), which category, you assert, is closest to the requested relief,

*Reconciliation Act of 1985*, FCC 86-562, ¶ 8, 2 FCC Rcd 947, 948 (1987). Accordingly, absent congressional action, the Commission will not purposely add to or delete ~~from~~ the statutorily established categories of feeable items. In that regard, the Commission later amended certain of its d e s to implement section 3001 of the Omnibus Budget Reconciliation Act of 1989, which amended the Schedule of Charges to include the application and fee for ~~an~~ “extension of construction permit/launch authorization (per request).”

Subsequently, however, the Commission’s fee schedule in effect at the time of Loral’s current application inadvertently omitted the applicable statutorily established fee for such extensions. That inadvertence does not result in a change to the ~~statutory~~ schedule. Thus, the category and fee to obtain an extension of the milestones for construction remain valid. Consequently, Loral is entitled to a refund of \$6,000, the difference between the \$6,670 it paid and the applicable \$670 fee it should have paid.

Accordingly, Loral’s request for a partial refund of \$6,000 is granted, and a check in that amount made payable to the maker of the original check will be sent to you. If you have any questions concerning this letter, you may call the Revenue and Receivables Operation Group at (202) 418-1995.

\* Sincerely,  
  
Mark Reger  
Chief Financial Officer

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<sup>2</sup> Memorandum Opinion and Order, *Establishment of a Fee Collection Program to Implement the Provisions of the Omnibus Budget Reconciliation Act of 1989*, FCC 90-63, 5 FCC Rcd 3558, 3633 (1990)

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**LORAL**

Space & Communications Ltd

1755 Jefferson Davis Hwy.  
Suite 1007  
Arlington, VA 22202-3501  
(703) 414-1060  
Fax: (703) 414-1079

*John P. Stem*

Deputy General Counsel

April 8, 2002

Andrew S. Fishel  
Managing Director  
Office of Managing Director  
Federal Communications Commission  
445 12th street, S.W.  
Washington, D.C. 20554

RECEIVED  
APR 16 7 35 PM '02  
ASSOC. MGR. DIR.  
FINANCIAL OPERATIONS  
(100-100)

Re: Request for Partial Refund of Fee for Application to Extend Milestones

Dear Mr. Fishel:

Pursuant to Section 1.11 17 of the Commission's Rules, 47 C.F.R. § 1.1117, Loral SpaceCom Corporation ("Loral SpaceCom"), respectfully requests a partial refund of the \$6,670 fee that it is submitting today with its request to extend the construction completion and launch milestones for its Telstar 8 satellite.

Prior to September 14, 1998, the Commission's schedule of charges (found at 47 C.F.R. §§ 1.1 101-1109) included a category under Section 1.1107(9)(g) for "extension of construction permit/launch authorizations" which was \$610 per request. However, the Commission's subsequent revisions to its schedule eliminated this fee category. Consequently, it would appear that no fee is due for extensions of construction permit/launch authorizations. In the absence of a specified fee and upon the advice of International Bureau staff, Loral Space & Communications Ltd. ("Loral") has previously filed milestone extension requests with the fee applicable for space station modifications (currently \$6,670), which was the closest remaining fee category that could even be deemed to apply to this type of application. However, Loral requested a refund of that fee, noting that milestone extension requests are usually short, often unopposed and relatively

easy for the Commission to act upon.<sup>1</sup> Modification applications, on the other hand, usually involve **much** more detailed technical analysis and Commission effort.

In response to Loral's previous fee determination request, the Office of the Managing Director stated that the Commission's recent **fee** schedules have inadvertently omitted the applicable **fee** for milestone extensions.<sup>2</sup> It **stated that the** Commission will amend its **fee** schedule to reinstate the applicable **fee**. In the interim, **the** Office of the Managing Director determined that Loral **was** entitled to a refund of the difference between the **fee** for a satellite modification and the fee that would be due for milestone extensions.

Since the fee for milestone extensions **has** not yet been reinstated, Loral SpaceCom is filing its milestone extension request together with a **fee of \$56,670** for space station modifications (47 C.F.R. § 1.1107(9)(c)). Consistent with the Managing Director's previous **fee** determination, Loral SpaceCom requests that the Commission refund it **\$56,000**: the difference between the **\$56,670** it is paying today and the **\$670 fee** that would most likely be applicable for a milestone extension request.<sup>3</sup>

If you have any questions regarding this refund request, please contact the undersigned. Thank you for your prompt consideration of **this** matter.

Respectfully submitted,



John P. Stern

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<sup>1</sup> See Letter from John P. Stern, Loral Space & Communications Ltd. to Andrew S. Fishel, Managing Director, Office of Managing Director, Federal Communications Commission, November 2, 1999.

<sup>2</sup> See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, Federal Communications Commission, to John P. Stern, Esq., Loral Space & Communications Ltd., Sept. 21, 2000 (Fee Control # 991 1048210376001) (attached hereto).

<sup>3</sup> Fee categories that used to be \$610 per request appear to have been increased to \$670.

# Payment Transactions' Detail Report

Date: 09/03/2002

BY: FEE CONTROL NUMBER

Fee Control Number	Payor Name	Fcc Account Number	Payer TIN	Received Date							
0204098210545001	L O U SPACECOM CORP 600 THIRD AVENUE  NEW YORK NY 10016	WP00007029	0113087427	14/08/2002 00:00:00							
Payment Amount	Current Balance	Seq Num	Payment Type Code	Quantity	Calisign Other Id	Applicant Name	Applicant Zip	Bed Check	Detail Amount	Trans Code	Payment Type
\$6,670.00	\$6,670.00	1	BFY	1	TELSTAR8S2	L O U SPACECOM CORP	222023501		\$6,670.00	1	PMT
Total	1								\$6,670.00		

**From: 1012912002 To: 10/29/2002**

h u n t	Remitted	Refund Amount	Current Balance	Reason
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Fee Control Num	Seq	Receipt	Code	Reason	Entered
0204098210545001	1	LORAL SPACECOM CORP		\$6,670.00	1012912002
				\$6,000.00	TLL
		1755 JEFFERSON HIGHWAY SUITE 1007		\$6,670.00	
			WVR	Waiver .Section 8	
		ARLINGTON VA 22202			

### TreasurySymbol/Fund Summary

<b>20X1807</b>	<b>RFND</b>	<b>11</b>	<b>1113</b>	<b>4410</b>	<b>00</b>	<b>000</b>	<b>S6.000.00</b>
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**Refunds: 1** **Total Refund Value: \$6,000.00**